

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1:23-cr-01165-KWR

DWAYNE A CALVERT,

Defendant.

SENTENCING GUIDELINE ORDER

1. The sentencing hearing shall be scheduled no earlier than NINETY (90) DAYS following a finding or verdict of guilty, and sentencing is scheduled in this case on **MAY 29, 2024 at 10:00 A.M.**
2. Counsel for the defendant shall attend any interview of the defendant conducted by the Probation Office in the course of the presentence investigation, unless waived by defendant.
3. The presentence investigation report, including guideline computations, shall be completed and provided to the parties at least THIRTY-FIVE DAYS (35) prior to the sentencing hearing. This Order shall operate as notice to counsel that the presentence investigation report will be available in the Probation Office THIRTY-FIVE (35) DAYS prior to the sentencing hearing. The presentence investigation report shall not be disclosed to persons other than defendant, unless otherwise ordered by the Court.
4. At least TWENTY-ONE (21) DAYS prior to the sentencing hearing, the parties must state in writing to the Probation Office and opposing counsel any objections to the

presentence investigation report, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report.

5. Any party objecting to the presentence investigation report must seek resolution of all objections in conference with opposition counsel and the Probation Office as soon as possible, but no later than FOURTEEN (14) DAYS prior to the sentencing hearing. The presentence conference is mandatory, except when the contents of the presentence investigation are not in dispute, and the complaining party shall be responsible for scheduling the conference with the Probation Office and opposing counsel.
6. Counsel for the defendant and the government shall file and serve any objections and motions for departure or variance from the U.S.S.G. at least FOURTEEN (14) DAYS prior to the sentencing hearing. Sentencing position papers, which shall include a response to any objections and motion for departure or variance, if applicable, shall be filed and served SEVEN (7) DAYS prior to the sentencing hearing and shall not exceed 20 pages in length without leave of the Court. Copies shall be delivered to the Probation Office on the same schedule.
7. The sentencing pleadings shall include (1) a statement that there are no objections to the presentence investigation report, if applicable; (2) notice of any objections to the presentence investigation report and any supporting evidence, documents, or affidavits; (3) responses to any motion for upward or downward departure or variance sentence. Sentencing pleadings need not include a detailed explanation of the U.S.S.G. unless directly applicable to a contested sentencing issue and (4) a brief summary of the anticipated testimony of any expert witnesses either side intends to present. The Court

shall resolve objections and motions upon the submissions of the parties and will hear testimony only for good cause shown.

8. Should there be no objections to the presentence investigation report and no motions for departure or variance from the U.S.S.G., Counsel may file a Waiver of Rule 32(e)(2) and request an earlier sentencing date.
9. The Probation Office shall transmit to the sentencing judge the presentence investigation report, including guideline computations and an addendum indicating any unresolved objections, no later than SEVEN (7) DAYS prior to the sentencing hearing.
10. Should either the defendant or the government change their position with respect to the calculation of the guidelines or any relevant pending motion pertaining to the sentencing proceeding, counsel shall inform the Court as early as possible but no later than TWENTY- FOUR (24) HOURS prior to the commencement of the sentencing hearing.
11. The time periods set forth above may be modified by the Court for good cause shown.

Time periods under this Order shall be CALENDAR days. In computing any period of time under this Order, if any deadline falls on a Saturday, Sunday, or holiday, the deadline shall be the last business day prior to the Saturday, Sunday, or holiday.

It is SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE